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Oceans and the law of the sea

Brazil, Canada, Cape Verde, Fiji, Finland, Guatemala, Iceland, Indonesia, Malaysia, Mexico, Monaco, Norway, Philippines, Portugal, Slovenia, Sweden and United States of America: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 57/141 of 12 December 2002, 58/240 of 23 December 2003, 59/24 of 17 November 2004, 60/30 of 29 November 2005, 61/222 of 20 December 2006 and other relevant resolutions concerning the United Nations Convention on the Law of the Sea ("the Convention"),[1]

Having considered the report of the Secretary-General,[2] the addendum thereto,[3] the report of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction[4] and also the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") at its eighth meeting[5] and on the seventeenth Meeting of States Parties to the Convention,[6]

Noting with satisfaction the twenty-fifth anniversary of the opening for signature of the Convention, and emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as for the sustainable development of the oceans and seas,

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] A/62/66.
[3] A/62/66/Add.1.
[4] A/61/65.
[5] A/62/169.
[6] SPLOS/164 and Corr.1.

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Emphasizing the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[7]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,[8]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention, and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Recalling also its decision, in resolutions 57/141 and 58/240, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the

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[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[8] See resolution 55/2.

World Summit on Sustainable Development,[9] and noting the need for cooperation among all States to this end,

Reiterating its concern at the adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, of human activities, such as overutilization of living marine resources, the use of destructive practices, physical impacts by ships, the introduction of invasive alien species and marine pollution from all sources, including from land-based sources and vessels, in particular through the illegal discharge of oil and other harmful substances, the loss or release of fishing gear and the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Expressing its serious concern over the current and projected adverse effects of anthropogenic and natural climate change on the marine environment and marine biodiversity,

Expressing also its deep concern over the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change,

Encouraging States to continue to contribute to the specific efforts deployed within the framework of the International Polar Year with the goal of enhancing the knowledge of the polar regions by strengthening scientific cooperation,

Recognizing that there is a need for a more integrated approach and to further study and promote measures for enhanced cooperation and coordination relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and recognizing in this regard that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Noting with concern the continuing problem of transnational organized crime and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

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[9] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf ("the Commission"), and noting in this regard that some States have already made submissions to the Commission,

Noting also that some States may face particular challenges in relation to preparing submissions to the Commission,

Noting further that financial and technical assistance may be sought by developing countries for activities in relation to preparing submissions to the Commission, including through the voluntary trust fund established by resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the important role for developing countries of the trust funds established by resolution 55/7 for the activities of the Commission and noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and the international community as a whole,

Noting the important role of the Commission in assisting States parties in the implementation of Part VI of the Convention, through the examination of information submitted by coastal States regarding the outer limits of the continental shelf beyond 200 nautical miles, and acknowledging in this regard the anticipated workload of the Commission owing to an increasing number of submissions, placing additional demands on its members and on the Division, and the need to ensure that the Commission can perform its functions under the Convention effectively and maintain its high level of quality and expertise,

Recognizing the importance and the contribution of the work over the past eight years of the Consultative Process established by resolution 54/33 to facilitate the annual review of developments in ocean affairs by the General Assembly and extended by resolutions 57/141 and 60/30,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28, 52/26 and 54/33, and in this context the increase in activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division"), in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, the increasing capacity-building activities, the need for enhanced support and assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Reaffirming the importance of the work of the International Seabed Authority ("the Authority") in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"),[10]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with the Convention,

I. Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its resolutions 49/28, 52/26, 54/33, 57/141, 58/240, 59/24, 60/30, 61/222 and other relevant resolutions concerning the Convention;[1]

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention and the Agreement;[10]

4. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[11]

5. *Calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States parties to the Convention to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the effort made by the United Nations Educational, Scientific and Cultural Organization with respect to the preservation of underwater cultural heritage, and notes in particular the rules annexed to the 2001 Convention on the Protection of the Underwater Cultural Heritage[12] that address the relationship

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[10] United Nations, *Treaty Series*, vol. 1836, No. 31364.

[11] Ibid., vol. 2167, No. 37924.

[12] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24, annex.

between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among parties, their nationals and vessels flying their flag;

9. *Welcomes* the decision taken by the United Nations Educational, Scientific and Cultural Organization at the thirty-first session of its General Conference to increase the resources available for the Intergovernmental Oceanographic Commission for the next biennium,[13] which will enable that Commission to increase its activities on an incremental basis and strengthen its capacity within the framework of that organization;

II. Capacity-building

10. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

11. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

12. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

13. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with, and implementation and enforcement of, their responsibilities under international law;

14. *Recognizes* the need to build the capacity of developing States to raise awareness of, and support implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

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[13] United Nations Educational, Scientific and Cultural Organization, draft decision, as contained in document 34 C/64.

15. *Also recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

16. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology, adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,[14] and recalls the important role of the secretariat of the Intergovernmental Oceanographic Commission in the implementation and promotion of those Criteria and Guidelines;

17. *Calls upon* States to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral level, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State through a desktop study, and the delineation of the outer limits of its continental shelf;

18. *Calls upon* the Division to actively disseminate information on relevant procedures related to the trust fund for the purpose of facilitating the preparation of submissions to the Commission and to continue its dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate timely submissions to the Commission, and welcomes in this regard the recent adoption of a new procedure in order to facilitate the access of developing countries to the trust fund;

19. *Notes with appreciation* the successful conduct by the Division of regional training courses in Africa, Asia, Latin America and the Caribbean and the commencement of the conduct of subregional workshops by the Division, most recently in Brunei Darussalam from 12 to 16 February 2007 and South Africa from 13 to 17 August 2007, the purpose of which was to train technical staff of coastal developing States in the delineation of the outer limits of the continental shelf beyond 200 nautical miles and in the preparation of submissions to the Commission, and requests the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue making such training courses available;

20. *Also notes with appreciation* the development by the Division, in cooperation with other partners under the Train-Sea-Coast Programme, of a training course on the development, implementation and management of marine protected areas and the successful delivery of the first regional training course in Honiara from 15 to 20 January 2007;

21. *Further notes with appreciation* the regional workshops of the Tribunal, held in Libreville from 26 to 27 March 2007, Kingston from 16 to 18 April 2007 and

[14] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

Singapore from 29 to 31 May 2007, on the role of the Tribunal in the settlement of disputes relating to the law of the sea;

22. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs of the Secretariat to support the promotion of international law;

23. *Recognizes* the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, advises the Secretary-General to continue to finance the Fellowship from resources made available through an appropriate Office of Legal Affairs trust fund, and urges Member States and others in a position to do so to contribute to the further development of the Fellowship;

24. *Takes note with satisfaction* of the ongoing implementation of the United Nations and the Nippon Foundation Fellowship Programme, focusing on human resources development for developing coastal States parties and non-parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

III. Meeting of States Parties

25. *Welcomes* the report of the seventeenth Meeting of States Parties to the Convention;[6]

26. *Requests* the Secretary-General to convene a special Meeting of States Parties to the Convention in New York on 30 January 2008 to fill a vacancy that has occurred following the resignation of one of the members of the Tribunal and to convene the eighteenth Meeting of States Parties to the Convention in New York from 13 to 20 June 2008 and to provide the services required;

27. *Calls upon* States parties to transmit to the Secretariat the credentials of representatives attending both Meetings as far in advance as is practicable, and no later than 29 January and 12 June 2008, respectively;

IV. Peaceful settlement of disputes

28. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement;

29. *Welcomes* in this regard the establishment by the Tribunal of the Chamber for Maritime Delimitation Disputes;

30. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

31. *Notes* that States parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and

notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

32. *Encourages* States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

V. The Area

33. *Notes* the progress of the discussions on issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area;

34. *Also notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

VI. Effective functioning of the Authority and the Tribunal

35. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States parties in arrears with their contributions to fulfil their obligations without delay;

36. *Urges* all States parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation;

37. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[15] and to the Protocol on the Privileges and Immunities of the Authority;[16]

38. *Emphasizes* the importance of the Tribunal's rules and staff regulations promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations, as reported by its President to the seventeenth Meeting of States Parties;

VII. The continental shelf and the work of the Commission

39. *Encourages* States parties to the Convention that are in a position to do so to make every effort to submit information to the Commission regarding the

[15] SPLOS/25.

[16] ISBA/4/A/8, annex.

establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention[17] and noting discussion of this issue at the seventeenth Meeting of States Parties;[18]

40. *Notes with satisfaction* the progress in the work of the Commission,[19] that it is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles and that a number of States have advised of their intention to make submissions in the near future;

41. *Notes* that the anticipated heavy workload of the Commission, owing to an increasing number of submissions, places additional demands on its members and the Division, and in that regard emphasizes the need to ensure that the Commission can perform its functions efficiently and effectively and maintain its high level of quality and expertise;

42. *Takes note* of the decision of the Commission to maintain, to the extent possible given the term of office of the members of the Commission, continuity in the composition of subcommissions throughout the consideration of a submission;[20]

43. *Also takes note* of the decision of the seventeenth Meeting of States Parties to the Convention to continue to address, as a matter of priority, issues related to the workload of the Commission, including funding for its members attending the sessions of the Commission and the meetings of the subcommissions;[21]

44. *Calls upon* States whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

45. *Takes note with concern* of the information provided by the Division regarding the current level of staffing, as well as inadequate hardware and software available to it which are required to support the Commission in the fulfilment of its functions;[22]

46. *Endorses* in this regard the request by the Meeting of States Parties to the Convention to the Secretary-General to take timely measures, before the twenty-first session of the Commission, to strengthen the capacity of the Division, serving as the secretariat of the Commission, within overall existing resource levels, in order to ensure enhanced support and assistance to the Commission and its subcommissions, in their consideration of submissions,[23] as required by paragraph 9 of annex III to the rules of procedure of the Commission;[24]

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[17] SPLOS/72.
[18] SPLOS/164 and Corr.1, paras. 56-78.
[19] CLCS/54 and CLCS/56.
[20] See CLCS/56, paras. 12-14.
[21] See SPLOS/162.
[22] See SPLOS/164 and Corr.1, para. 69.
[23] SPLOS/162, para. 6.
[24] CLCS/40.

47. *Urges* the Secretary-General to continue to take all necessary actions to ensure that the Commission can fulfil the functions entrusted to it under the Convention;

48. *Encourages* States to make additional contributions to the trust fund for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund established by resolution 55/7 for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission;

49. *Approves* the convening by the Secretary-General of the twenty-first and twenty-second sessions of the Commission in New York from 17 March to 18 April 2008 and from 11 August to 12 September 2008, respectively, on the understanding that the following periods will be used for the technical examination of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 17 to 28 March; 14 to 18 April; 11 to 15 August; and 2 to 12 September 2008;

50. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of the coastal State in relevant proceedings concerning its submission, and recognizes the continued need for active interaction between submitting States and the Commission;

51. *Encourages* States to continue exchanging views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating preparation of submissions by States, in particular developing States, to the Commission;

52. *Requests* the Secretary-General, in cooperation with the Member States, to continue supporting and organizing workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

VIII. Maritime safety and security and flag State implementation

53. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

54. *Welcomes* the adoption of the Work in Fishing Convention, 2007, and the related recommendation by the International Labour Conference on 14 June 2007, and encourages States to become parties to that Convention;

55. *Also welcomes* the continuing review by the International Maritime Organization and the International Labour Organization of Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident,[25] and notes the decision of the International Maritime Organization to continue to monitor the implementation of the Guidelines;

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[25] Adopted by the International Maritime Organization Legal Committee on 27 April 2006 as resolution LEG.3(91), and by the International Labour Organization Governing Body on 12 June 2006, at its 296th session.

56. *Calls upon* States to consider becoming members of the International Hydrographic Organization, and urges all States to work with that Organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, especially in areas used for international navigation, ports and where there are vulnerable or protected marine areas;

57. *Encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[26]

58. *Notes* the progress in the implementation of the Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors of the International Atomic Energy Agency in March 2004,[27] and encourages States concerned to continue their efforts in the implementation of all areas of the Action Plan;

59. *Also notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law; that States should maintain dialogue and consultation, in particular under the aegis of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials; that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns; and that these concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;[28]

60. *Notes* the decision taken at the eighth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movement of Wastes and their Disposal aimed at reinforcing cooperation with the International Maritime Organization on regulations on the prevention of pollution from ships;[29]

61. *Encourages* States to cooperate to address threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats;

62. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as

[26] International Maritime Organization, Assembly resolution A.949(23).

[27] Available from www-ns.iaea.org.

[28] Resolution 60/1, para. 56 (*o*).

[29] UNEP/CHW.8/16, annex I, decision VIII/9.

providing enforcement vessels and equipment and guarding against fraudulent ship registration;

63. *Welcomes* the significant decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national action and regional cooperation;

64. *Expresses deep concern* about the continuous violent attacks on ships off the coast of Somalia, and welcomes the initiatives supported by the International Maritime Organization and the World Food Programme to strengthen cooperation among States to protect ships, in particular those transporting humanitarian aid, from acts of piracy and armed robbery in that region;

65. *Notes* the adoption of resolution A.1001(25) on 29 November 2007 by the Assembly of the International Maritime Organization on acts of piracy and armed robbery against ships in waters off the coast of Somalia, and encourages States to ensure its full implementation;

66. *Also notes* the initiatives taken by the Secretary-General of the International Maritime Organization, following up on resolution A.979(24) of the Assembly of the International Maritime Organization, to engage the international community in efforts to combat acts of piracy and armed robbery against ships sailing the waters off the coast of Somalia;

67. *Calls upon* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[30] invites States to consider becoming parties to the 2005 Protocols amending those instruments,[31] and also urges States parties to take appropriate measures to ensure the effective implementation of those instruments, through the adoption of legislation, where appropriate;

68. *Also calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[32] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

69. *Welcomes* the adoption of the Nairobi International Convention on the Removal of Wrecks, within the International Maritime Organization on 18 May 2007, and invites States to note its opening for signature from 19 November 2007 to 18 November 2008;

70. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

71. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence

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[30] United Nations, *Treaty Series*, vol. 1678, No. 29004.

[31] International Maritime Organization, documents LEG/CONF.15/21 and LEG/CONF.15/22.

[32] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

72. *Calls upon* States to ensure freedom of navigation, safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention;

73. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation efforts to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

74. *Calls upon* user States and States bordering straits used for international navigation to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

75. *Welcomes* the progress in regional cooperation, including the Jakarta, Kuala Lumpur and Singapore Statements on Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore, adopted on 8 September 2005,[33] 20 September 2006[34] and 6 September 2007,[35] respectively, especially the formal establishment of the Cooperative Mechanism on safety of navigation and environmental protection to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders in line with article 43 of the Convention, and in implementing the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore, notes with appreciation that the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia is already operational in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

76. *Calls upon* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[36] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[37] and to take appropriate measures to ensure their effective implementation;

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[33] A/60/529, annex II.

[34] A/61/584, annex.

[35] A/62/518, annex.

[36] Resolution 55/25, annex III.

[37] Ibid., annex II.

77. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[38] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[39] and to the International Convention for the Safety of Life at Sea[40] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[41]

78. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

79. *Welcomes* the audits that have been completed pursuant to the Voluntary International Maritime Organization Member State Audit Scheme,[42] and the Code for the implementation of mandatory International Maritime Organization instruments,[43] and encourages all flag States to volunteer to be audited;

IX. Marine environment and marine resources

80. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

81. *Notes* the work of the Intergovernmental Panel on Climate Change, including the finding that, while the effects of observed ocean acidification on the marine biosphere are as yet undocumented, the progressive acidification of oceans is expected to have negative impacts on marine shell-forming organisms and their dependent species, and in this regard encourages States to urgently pursue further research on ocean acidification, especially programmes of observation and measurement;

82. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation;

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[38] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[39] International Maritime Organization, document MSC/78/26/Add.1, annex 5, resolution MSC.155(78).

[40] Ibid., annex 3, resolution MSC.153(78).

[41] Ibid., annex 34, resolution MSC.167(78).

[42] International Maritime Organization, Assembly resolution A.974(24).

[43] International Maritime Organization, Assembly resolution A.973(24).

83. *Calls upon* States to enhance their efforts to reduce the emission of greenhouse gases, in accordance with the principles contained in the United Nations Framework Convention on Climate Change,[44] in order to reduce and tackle projected adverse effects of climate change on the marine environment and marine biodiversity;

84. *Encourages* States to ratify or accede to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, and other forms of physical degradation, as well as agreements that provide for compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with the Convention aimed at implementing and enforcing the rules contained in those agreements;

85. *Encourages* States that have not yet done so to become parties to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972[45] ("the London Protocol"), and the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000;[46]

86. *Welcomes* the commencement of activities by the International Maritime Organization to investigate the development of international measures for minimizing the translocation of invasive aquatic species through biofouling of ships, and encourages States and relevant organizations and bodies to assist in that process;

87. *Notes with appreciation* the adoption of the Baltic Sea Action Plan, in Krakow, Poland, on 15 November 2007, by the Member States of the Helsinki Commission, the aim of which is to drastically reduce pollution in the Baltic Sea and restore it to a good ecological status by 2021;

88. *Encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

89. *Welcomes* the activities of the United Nations Environment Programme relating to marine debris carried out in cooperation with relevant United Nations bodies and organizations, and encourages States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

90. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception

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[44] United Nations, *Treaty Series*, vol. 1771, No. 30822.

[45] International Maritime Organization, document IMO/LC.2/Circ.380.

[46] HNS-OPRC/CONF/11/Rev.1, attachment 1.

facilities and discourage ships from discharging marine debris at sea, and encourages States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes for marine debris;

91. *Encourages* States that have not done so to become parties to the Protocol of 1997 (Annex VI-Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[47] thereby facilitating its early entry into force;

92. *Welcomes* the forthcoming entry into force on 17 September 2008 of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001;[48]

93. *Notes* the ongoing work of the International Maritime Organization in accordance with its resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships[49] and the workplan to identify and develop the mechanism or mechanisms needed to achieve the limitation or reduction of greenhouse gas emissions from international shipping, and welcomes ongoing efforts of that Organization in that regard;

94. *Notes with appreciation* the efforts of the International Maritime Organization in developing and approving an action plan to address the inadequacy of port waste reception facilities, and urges States to cooperate in correcting the shortfall in such facilities in accordance with the action plan;

95. *Calls upon* States to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and to take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on Furthering the Implementation of the Global Programme of Action;

96. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration,[8] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[50] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[51]

97. *Also welcomes* the decision of the twenty-ninth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by

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[47] International Maritime Organization, document BWM/CONF/36, annex.

[48] International Maritime Organization, document AFS/CONF/26, annex.

[49] International Maritime Organization, Assembly resolution A.963(23).

[50] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[51] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

Dumping of Wastes and Other Matter, 1972 ("the London Convention") and the second Meeting of Contracting Parties to the London Protocol, held from 5 to 9 November 2007, which endorsed the June 2007 "Statement of concern" of their Scientific Groups;[52] recognized that it was within the purview of each State to consider proposals on a case-by-case basis in accordance with the London Convention and Protocol; urged States to use the utmost caution when considering proposals for large-scale ocean fertilization operations; and took the view that, given the present state of knowledge regarding ocean fertilization, such large-scale operations were currently not justified;

98. *Encourages* States to support the further study and enhance understanding of ocean iron fertilization;

99. *Reaffirms* paragraph 119 of its resolution 61/222 regarding ecosystem approaches and oceans, including the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard:

(a) Notes that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management interventions aimed at conserving ecosystem integrity;

(b) Notes that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(c) Recalls that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010;

(d) Encourages States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

100. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

101. *Encourages* the competent international organizations, the United Nations Development Programme, the World Bank and other funding agencies to consider expanding their programmes within their respective fields of competence

[52] International Maritime Organization, document LC-LP.1/Circ.14, 13 July 2007.

for assistance to developing countries and to coordinate their efforts, including in the allocation and application of Global Environment Facility funding;

102. *Notes* the information provided by the Secretary-General relating to the study on the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans within the limits of national jurisdiction, to be presented to the General Assembly at its sixty-third session pursuant to paragraph 88 of resolution 61/222, urges States and competent international organizations and global and regional funding agencies to provide further information, and requests the study to be prepared in continuing cooperation with such States and organizations and based on information so provided or disseminated and otherwise available in the public domain;

X. Marine biodiversity

103. *Reaffirms* its role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant complementary intergovernmental organizations and bodies on those issues, including the Convention on Biological Diversity and the Food and Agriculture Organization of the United Nations, and invites them to contribute to its consideration of these issues within the areas of their respective competence;

104. *Takes note* of the report of the Secretary-General relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction,[53] prepared and released in response to the request in paragraph 92 of resolution 61/222;

105. *Reaffirms its request* to the Secretary-General to convene a meeting of the Ad Hoc Open-ended Informal Working Group in accordance with paragraph 91 of resolution 61/222 and paragraphs 79 and 80 of resolution 60/30, to take place in New York from 28 April to 2 May 2008, and to provide the services required;

106. *Encourages* States to include relevant experts in their delegations attending the meeting of the Ad Hoc Open-ended Informal Working Group;

107. *Recognizes* the importance of making the outcomes of the Ad Hoc Open-ended Informal Working Group widely available;

108. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[54] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[55] as well as the relevant decisions adopted at the eighth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Curitiba, Brazil, from 20 to 31 March 2006;[56]

109. *Reaffirms* the need for States and competent international organizations to urgently consider ways to integrate and improve, based on the best available scientific information and in accordance with the Convention and related

[53] A/62/66/Add.2.

[54] See A/51/312, annex II, decision II/10.

[55] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

[56] UNEP/CBD/COP/8/31, annex I.

agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold-water corals, hydrothermal vents and certain other underwater features;

110. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold-water corals;

111. *Reaffirms* the need for States to continue their efforts to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

112. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in the light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools such as the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012;[9]

113. *Acknowledges* in this regard the Micronesia Challenge, the Eastern Tropical Pacific Seascape project and the Caribbean Challenge, which in particular seek to create and link domestic marine protected areas to better facilitate ecosystem approaches, and reaffirms the need for further international cooperation in support of such initiatives;

114. *Notes* the work of the scientific experts' workshops on ecological criteria and biogeographic classification systems for marine areas in need of protection, held in São Miguel Island, Azores, Portugal, from 2 to 4 October 2007,[57] on biogeographic classification systems in open ocean and deep seabed areas beyond national jurisdiction, held in Mexico City from 22 to 24 January 2007, and on criteria for identifying ecologically or biologically significant areas beyond national jurisdiction, held in Ottawa from 6 to 8 December 2005;[58]

115. *Also notes* the Millennium Ecosystem Assessment synthesis reports and the urgent need to protect the marine biodiversity expressed therein;

116. *Reiterates its support* for the International Coral Reef Initiative, takes note of the International Coral Reef Initiative General Meeting, held in Tokyo from 22 to 24 April 2007, and the upcoming eleventh International Coral Reef Symposium, to be held in Fort Lauderdale, Florida, United States of America, in July 2008, supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs, and notes that the International Coral Reef Initiative is sponsoring the International Year of the Reef 2008;

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[57] UNEP/CBD/EWS.MPA/1/2, 13 November 2007.

[58] A/AC.259/16, annex.

117. *Expresses its concern* that coral bleaching has become more frequent and severe throughout tropical seas over the last two decades, and highlights the need for improved monitoring to predict and identify bleaching events to support and strengthen action during such events and improve strategies to support the natural resilience of reefs;

118. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

119. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

120. *Notes* the peer-reviewed scientific studies received by the Division from Member States, pursuant to paragraph 107 of resolution 61/222, encourages further studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States and, as appropriate, to make them, or references and links to them, available on its website;

XI. Marine science

121. *Calls upon* States, individually or in collaboration with each other or with relevant international organizations and bodies, to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

122. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, and encourages participation in the initiative;

123. *Takes note with appreciation* of the work of the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission on the development of procedures for the implementation of Parts XIII and XIV of the Convention and on the development of a consensual text on the legal framework for the collection of oceanographic data within the context of the Convention;

124. *Stresses* the importance of increasing the scientific understanding of the oceans/atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, a programme of the Intergovernmental Oceanographic Commission, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

125. *Recognizes* the significant progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional tsunami warning and mitigation systems and the new effort to identify common requirements for regional centres, welcomes the continued collaboration of the World Meteorological Organization and other United Nations and intergovernmental organizations in this effort, and encourages Member States to

establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

XII. Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

126. *Recalls* that the Ad Hoc Steering Group was established by resolution 60/30;

127. *Takes note* of the report of the second meeting of the Ad Hoc Steering Group for the "assessment of assessments" launched as a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, held in New York on 22 June 2007,[59] and urges Member States from the African regional group to propose the remaining representative to the Chairman of the regional group so that the appointment to the Ad Hoc Steering Group of that representative can be made by the President of the General Assembly without further delay;

128. *Also takes note* of the overall working approach, the outline for the "assessment of assessments" report and the timeline and workplan for the "assessment of assessments", proposed by the Group of Experts established pursuant to resolution 60/30, at the first meeting, held in Paris from 29 to 30 March 2007,[60] and endorsed by the Ad Hoc Steering Group at its second meeting, subject to the availability of funding;

129. *Welcomes with appreciation* the support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission for the "assessment of assessments" in providing secretariat services to the Ad Hoc Steering Group and the Group of Experts;

130. *Invites* Member States, the Global Environment Facility and other interested parties to contribute financially to the "assessment of assessments", taking into account the workplan and budget approved by the Ad Hoc Steering Group, in order to complete the "assessment of assessments" within the specified period;

XIII. Regional cooperation

131. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in that context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

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[59] United Nations Environment Programme, document UNGA 60/30-A of A-AHSG/2.

[60] GRAME/GOE/1/7.

XIV. Open-ended informal consultative process on oceans and the law of the sea

132. *Takes note* of the report and annex on the work of the Consultative Process at its eighth meetings,[5] focused on the topic of marine genetic resources, and acknowledges the need to discuss the issue of marine genetic resources in the Ad Hoc Open-ended Informal Working Group in accordance with paragraph 91 of resolution 61/222, taking into consideration the possible elements suggested by the co-chairpersons of the Consultative Process;

133. *Notes* the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction in accordance with the Convention, and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group, with a view to making further progress on this issue;

134. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of benefits, goods and services they can provide;

135. *Recognizes also* the importance of research on marine genetic resources for the purpose of enhancing scientific understanding, potential use and application, and enhanced management of marine ecosystems;

136. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities in particular in developing countries, in the field of marine scientific research, in particular, taking into account the need to create greater taxonomic capabilities;

137. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the ninth meeting of the Consultative Process, in New York from 23 to 27 June 2008, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

138. *Recalls* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to this effect, particularly before and during the preparatory meeting for the Consultative Process, and in this regard notes its decision to further review the effectiveness and utility of the Consultative Process at its sixty-third session;[61]

139. *Expresses its serious concern* regarding the insufficient resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and urges States to make additional contributions to the trust fund;

140. *Decides* that those representatives from developing countries who are invited by the co-chairpersons to make presentations during the meetings of the Consultative Process shall receive priority consideration in the disbursement of

[61] Resolution 60/30, para. 99.

funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive daily subsistence allowance subject to the availability of funds after the travel costs of all other eligible representatives from those countries mentioned in paragraph 139 above are covered;

141. *Recalls* its decision to focus its discussions on the topic "Maritime security and safety" at the ninth meeting of the Consultative Process;

XV. Coordination and cooperation

142. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

143. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

144. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

145. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XVI. Activities of the Division for Ocean Affairs and the Law of the Sea

146. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

147. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVII. Sixty-third session of the General Assembly

148. *Requests* the Secretary-General to prepare a comprehensive report, in its current comprehensive format and in accordance with established practice, for the consideration of the General Assembly at its sixty-third session, on developments and issues relating to ocean affairs and the law of the sea, including the

implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the report available at least six weeks in advance of the meeting of the Consultative Process;

149. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

150. *Notes* that the report referred to in paragraph 148 above will also be presented to States parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

151. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, and decides to limit the period of the informal consultations on both resolutions to a maximum of four weeks in total and to ensure that the consultations are scheduled in such a way as to avoid overlap with the period during which the Sixth Committee is meeting and that the Division has sufficient time to produce the report referred to in paragraph 148 above, and invites States to submit text proposals for inclusion in the resolutions to the coordinators of the informal consultations at the earliest possible date;

152. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Oceans and the law of the sea".

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Oceans and the law of the sea

Brazil, Canada, Cape Verde, Fiji, Finland, Guatemala, Iceland, Indonesia, Malaysia, Mexico, Monaco, Norway, Philippines, Portugal, Slovenia, Sweden and United States of America: draft resolution

Oceans and the law of the sea

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Australia, Austria, Belize, Bulgaria, China, Cyprus, Denmark, Germany, Greece, Kenya, Malta, Micronesia (Federated States of), Namibia, Netherlands, New Zealand, Palau, Sierra Leone, Sri Lanka, Tonga, Trinidad and Tobago, Tunisia, Ukraine and United Kingdom of Great Britain and Northern Ireland

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